



Fight against
Racism
Xenophobia
Homophobia and
Transphobia

Fight against Racism, Xenophobia, Homophobia and Transphobia

HELP ONLINE COURSE

Duration: 6 hours

**Available for free on the CoE
HELP e-learning platform**

**Statement of
Accomplishment**

START COURSE 

Council of Europe
Human Rights Education for Legal Professionals (HELP) Programme

2021

Co-funded
by the European Union



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Co-funded and implemented
by the Council of Europe

The update of this course was funded by the European Union's Justice Programme (2014-2020).

Background & key concepts

Racism and xenophobia are a widespread problem in Europe today, with anti-immigrants attitudes on the rise. Across the European Union (EU), several vulnerable and minority groups continue to face discrimination, violence and exclusion in areas such as employment, education or health. In most EU countries, the bias motivation in racist, xenophobic or homophobic crimes is often not adequately raised or investigated. Underreporting of those crimes is also high, often due to improper record systems or lack of complaints from victims.

Xenophobia and racism often overlap but are distinct phenomena. Whereas racism usually entails distinction based on grounds such as presumed race, skin colour, language, religion, nationality or ethnic origin, etc., xenophobia implies behaviour based on the idea that the other is foreign to or originates from outside the community or nation.

Homophobia is defined as an irrational fear of, and aversion to, homosexuality and to lesbian, gay or bisexual persons based on prejudice. **Transphobia** refers to a similar phenomenon, but specifically to the fear of, and aversion to, transgender persons or gender non-conformity.

To counter such forms of intolerance, the capacities of judges, prosecutors and lawyers to apply the **European non-discrimination law** (developed by the Council of Europe and the EU) at national level should be enhanced. Courts rendering judgments should address bias motivations publicly, in order to raise awareness and redress victims. Alongside legal professionals, law enforcement officials should be also alert to this kind of crimes.

The European non-discrimination law prohibits discrimination across a range of contexts and a range of grounds. It stems from the **European Convention on Human Rights** (ECHR), the **European Social Charter** (ESC) and the European Union law as a converging legal system. This refers mainly to Article 14 of and Protocol 12 to the ECHR as well as the **EU Charter of Fundamental Rights** (Chapter III, Equality) and the **EU non-discrimination directives** (Gender Directive; Race Directive; and Employment Equality Directive).

The principles of equality and non-discrimination can interfere with other human rights like freedoms of assembly, speech or religion. Balancing the exercise of competing rights is then necessary.

The HELP course "**Fight against Racism, Xenophobia, Homophobia and Transphobia**" covers in an interactive way the key concepts, the European (CoE and EU) non-discrimination law and the impressive body of **case law of the European Court of Human Rights (ECtHR) and of the Court of Justice of the European Union (CJEU)**, in addition to decisions of the European Committee of Social Rights. One of the key reference materials to develop this course has been the [Handbook on European non-discrimination law](#) developed jointly by the EU Fundamental Rights Agency and the European Court of Human Rights.



Course outline

The course consists of **3 general modules** on Introduction, Key Concepts and International and European Framework, as well as **2 specific modules** on Racism and Xenophobia, and Xenophobia and Transphobia respectively.

0

Introduction

- Real life stories



1

Key Concepts

- Perceptions, bias and stereotypes
- Key concepts and definitions (racism and xenophobia; homophobia and transphobia; sexual orientation; hate crime, hate speech and discrimination)



2

Legal framework

- United Nations/Council of Europe/European Union
- Procedural aspects



3

Racism and Xenophobia

- Introduction to racism and xenophobia
- Main legal instruments
- Racism in Europe – Key trends
- Hate crime/hate speech/discrimination



4

Homophobia and Transphobia

- Introduction to homophobia and transphobia
- Thematic areas



Target audience

This free on-line course is primarily addressed to legal professionals:

- judges,
- prosecutors,
- lawyers
- senior court staff

It can be also useful for law enforcement authorities, equality bodies personnel and other persons working in the field of non-discrimination.

About

The course has initially been developed within the EU-CoE “HELP in the 28” Project. It was updated in 2021 under the EU-CoE “HELP in the EU II” project to contain the most recent developments, especially in terms of the case-law of the European courts. The update process involved several representatives of relevant CoE services, namely from the **Sexual Orientation and Gender Identity Unit (SOGI)**, **European Commission against Racism and Intolerance (ECRI)**, as well as from the **Registry of the European Court of Human Rights (ECtHR)**.

How to access the HELP online course

The course is freely available in self-learning format on the [CoE HELP e-learning platform](#). The overall length of the new edition of the online course is approximately **six hours** and those who complete it in self-learning format can obtain an electronic '**Statement of accomplishment**'.

To access the course, you need to have a HELP account. If you haven't created one yet, you can sign up here, it only takes 2 minutes: <http://help.elearning.ext.coe.int/login/signup.php>.

